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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,539	12/11/2003	Timothy A. Tamcsin	20030317.ORI	2641
23595 7590 02/26/2007 NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			EXAMINER MILLS, DANIEL J	
			ART UNIT	PAPER NUMBER
			3679	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/733,539

Applicant(s)

TAMCSIN

Examiner

Daniel J. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 include the limitation "an axis parallel to and integrally connected to the first split" (claim 1 line 3; claim 3 line 5) which is unclear. Is applicant attempting to claim a second split ring that has an axis connected to the first split, or a second ring connected to the first ring?

Claim 1 includes the limitation "a gap" (line 7) which is a double inclusion of "gaps" (line 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henricksen (US 6,712,541), in view of Schmidt-Hansen et al. (H-S – US 6,073,977).

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Regarding claim 1, Henricksen (Figure 6) discloses a clamp capable of being used for a handlebar on a motorcycle comprising a first split ring (32) capable of engaging a fork tube on the motorcycle, a second split ring (33) having an axis parallel to and integrally connected to the first split ring, with the split rings having independent non-planar parallel planar gaps wherein both split rings have a respective locking portion (the flanges through which the bolts pass) integral with the split ring having a bolt aperture (several each) through the locking portions, and two bolts (inherent to the function of the clamp, but not shown) for extending through the locking portion apertures for engaging the threads of the locking portion wherein the bolt apertures have bores with parallel axes to adjust the size of gap between the locking portions and tightening or loosening the first split ring on the fork tube of the vehicle and tightening or loosening the second split ring on a handlebar.

Henricksen fails to disclose an arrangement for clamping the split rings, which includes cylindrical posts insertable into the locking portions of the split rings, and through which the bolt is attached.

H-S teaches a split ring clamping arrangement (as shown in Figure 3) in which a locking portion integral with the split ring has a first post aperture and a second post aperture, one on either side of a gap in the split ring, and a bolt aperture (shown by the positioning of bolt 6) through the locking portions, a first post having a smooth wall aperture (at 5a) there through and a second post having an aperture with a threaded wall (at 4a) there through, and a bolt (6) for extending through the locking portion apertures and the posts for engaging the threads of the second post to adjust the size of

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gap between the locking portions. This arrangement is taught as useful to distribute the clamping load over the entire split ring (column 2 lines 51-56). Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement as disclosed by Henricksen to include a clamping arrangement for the purpose of evenly distributing the clamping load as taught by H-S.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henricksen (US 6,712,541) and Schmidt-Hansen et al. (H-S – US 6,073,977), as applied to claim 1, above, and further in view of Tsai (EP 0388540).

Regarding claim 2, Henricksen in view of Schmidt-Hansen results in a clamp but fails to disclose a handlebar having an L-shape with a column for engaging the second split ring and a hand grip portion extending perpendicularly from the column.

Tsai teaches the use of a handlebar having an L-shape with the handgrip portion extending perpendicularly from the column (7) for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted and allow easy transportation and handling (column 1 lines 24 and 25). Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention, to modify the arrangement of Henricksen in view of Schmidt-Hansen to include a handgrip portion extending perpendicularly from the column for the purpose of allowing a person to steer the vehicle on which the handle bar is mounted and allow easy transportation and handling as taught by Tsai.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM  
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2/20/2007



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